

United States District Court, Northern District of Illinois

MAN

Name of Assigned Judge or Magistrate Judge	Wayne R. Andersen	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 1453	DATE	MARCH 31, 2008
CASE TITLE	U.S. ex rel. Kendale McCoy v. McCann		

DOCKET ENTRY TEXT:

Petitioner is given until, April 25, 2008, to either pay the \$5 filing fee or file a petition for leave to file *in forma pauperis*. The clerk is directed to send petitioner an *in forma pauperis* application. Additionally, petitioner has failed to submit the required number of copies of his petition. By April 25 he must also submit two additional copies of his petition. Finally, petitioner has submitted an *ex parte* letter to the court. The letter is stricken.[3] Petitioner is warned that all submissions to this court must be in the form of a pleading and must be served on attorney for respondent. No direct *ex parte* communication with the court is permitted.

☐ [For further details see text below.]

W. - P. Docketing to mail notices.

STATEMENT

Although the clerk has accepted this *pro se* petition for a writ of habeas corpus for docketing pursuant to Rule 5(e) of the Federal Rules of Civil Procedure, petitioner has neither paid the \$5 filing fee nor filed a petition for leave to file *in forma pauperis*. If petitioner wishes to proceed with this action, he must either pay the \$5 filing fee or, in the alternative, file an *in forma pauperis* application complete with a certificate from a prison official stating the amount on deposit in the prisoner's trust account.

Petitioner has submitted his petition with no copies. The local rules of this court require petitioner to also submit a judge's copy and a copy of the petition for service. Petitioner is given until April 25, 2008 to do so. Failure to comply with all the terms of this order will result in dismissal.

Ste *[Signature]*

10/10/2007

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

**IN FORMA PAUPERIS APPLICATION
AND
FINANCIAL AFFIDAVIT**

Plaintiff

v.

CASE NUMBER _____

Defendant(s)

JUDGE _____

Wherever ☐ is included, please place an X into whichever box applies. Wherever the answer to any question requires more information than the space that is provided, attach one or more pages that refer to each such question number and provide the additional information. Please PRINT.

I, _____, declare that I am the ☐ plaintiff ☐ petitioner ☐ movant (other _____) in the above-entitled case. This affidavit constitutes my application ☐ to proceed without full prepayment of fees, or ☐ in support of my motion for appointment of counsel, or ☐ both. I also declare that I am unable to pay the costs of these proceedings, and that I am entitled to the relief sought in the complaint/petition/motion/appeal. In support of this petition/application/motion/appeal, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☐ Yes ☐ No (If "No," go to Question 2)
 I.D. # _____ Name of prison or jail: _____
 Do you receive any payment from the institution? ☐ Yes ☐ No Monthly amount: _____

2. Are you currently employed? ☐ Yes ☐ No
 Monthly salary or wages: _____
 Name and address of employer: _____

 - a. If the answer is "No":
 Date of last employment: _____
 Monthly salary or wages: _____
 Name and address of last employer: _____

 - b. Are you married? ☐ Yes ☐ No
 Spouse's monthly salary or wages: _____
 Name and address of employer: _____

3. Apart from your income stated above in response to Question 2, in the past twelve months have you or anyone else living at the same residence received more than \$200 from any of the following sources? *Mark an X in either "Yes" or "No", and then check all boxes that apply in each category.*
 - a. Salary or wages ☐ Yes ☐ No
 Amount _____ Received by _____

- b. ☐ Business, ☐ profession or ☐ other self-employment ☐ Yes ☐ No
Amount _____ Received by _____
- c. ☐ Rent payments, ☐ interest or ☐ dividends ☐ Yes ☐ No
Amount _____ Received by _____
- d. ☐ Pensions, ☐ social security, ☐ annuities, ☐ life insurance, ☐ disability, ☐ workers' compensation, ☐ unemployment, ☐ welfare, ☐ alimony or maintenance or ☐ child support ☐ Yes ☐ No
Amount _____ Received by _____
- e. ☐ Gifts or ☐ inheritances ☐ Yes ☐ No
Amount _____ Received by _____
- f. ☐ Any other sources (state source: _____) ☐ Yes ☐ No
Amount _____ Received by _____
4. Do you or anyone else living at the same residence have more than \$200 in cash or checking or savings accounts? ☐ Yes ☐ No Total amount: _____
In whose name held: _____ Relationship to you: _____
5. Do you or anyone else living at the same residence own any stocks, bonds, securities or other financial instruments? ☐ Yes ☐ No
Property: _____ Current Value: _____
In whose name held: _____ Relationship to you: _____
6. Do you or anyone else living at the same residence own any real estate (houses, apartments, condominiums, cooperatives, two-flats, three-flats, etc.)? ☐ Yes ☐ No
Address of property: _____
Type of property: _____ Current value: _____
In whose name held: _____ Relationship to you: _____
Amount of monthly mortgage or loan payments: _____
Name of person making payments: _____
7. Do you or anyone else living at the same residence own any automobiles, boats, trailers, mobile homes or other items of personal property with a current market value of more than \$1000? ☐ Yes ☐ No
Property: _____
Current value: _____
In whose name held: _____ Relationship to you: _____
8. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute monthly to their support. If none, check here ☐ No dependents

I declare under penalty of perjury that the above information is true and correct. I understand that pursuant to 28 U.S.C. § 1915(e)(2)(A), the court shall dismiss this case at any time if the court determines that my allegation of poverty is untrue.

Date: _____

Signature of Applicant

(Print Name)

NOTICE TO PRISONERS: A prisoner must also attach a statement certified by the appropriate institutional officer or officers showing all receipts, expenditures and balances during the last six months in the prisoner's prison or jail trust fund accounts. Because the law requires information as to such accounts covering a full six months before you have filed your lawsuit, you must attach a sheet covering transactions in your own account--prepared by each institution where you have been in custody during that six-month period--and you must also have the Certificate below completed by an authorized officer at each institution.

CERTIFICATE

(Incarcerated applicants only)

(To be completed by the institution of incarceration)

I certify that the applicant named herein, _____, I.D.# _____, has the sum of \$ _____ on account to his/her credit at (name of institution) _____.

I further certify that the applicant has the following securities to his/her credit: _____. I further certify that during the past six months the applicant's average monthly deposit was \$ _____.

(Add all deposits from all sources and then divide by number of months).

DATE

SIGNATURE OF AUTHORIZED OFFICER

(Print name)